

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x  
KENNEY, BECKER LLP, and EUGENE S.  
BECKER,

Plaintiffs,

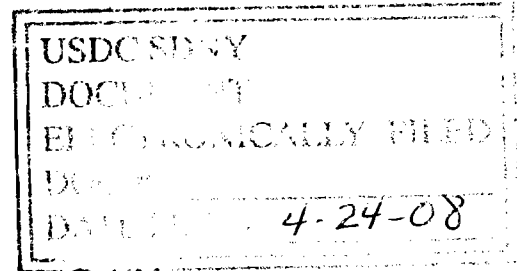
-v-

MARTIN S. KENNEY,

Defendant.  
----- x

06 Civ. 2975 (JSR)

ORDER



JED S. RAKOFF, U.S.D.J.

By Order dated March 6, 2008, the Court granted defendant Martin S. Kenney's motion to impose sanctions on plaintiffs Kenney, Becker LLP and Eugene S. Becker for their wrongful issuance, under the purported authority of this Court, of a third-party subpoena in the arbitration proceedings ongoing between the parties. By Order dated April 21, 2008, the Court denied plaintiffs' motion for reconsideration.

The March 6 Order awarded "sanctions in the amount of defendant's attorneys' fees and costs incurred in preparing, filing, and arguing this motion." On March 12, 2008, defendant's counsel submitted a declaration attesting that, in preparing, filing, and arguing the sanctions motion, his firm had billed \$40,251 in attorney's fees and \$9,643.97 in costs, and defendant's counsel in the arbitration billed \$5,968.00, for a combined total of \$55,862.97 in fees and costs. One week thereafter, plaintiffs' counsel submitted numerous objections to the calculation, including, for example, that it was unnecessary for defendant to bring in outside

counsel to handle the motion, that the declaration failed to state defense counsel's qualifications, that the billing records provided were insufficiently specific, and that the fees and costs were generally excessive.

The Court agrees that the amount of fees and costs claimed by defendant's counsel are grossly excessive for the motion practice here involved. On no reasonable analysis is defendant entitled to any more than \$25,000 in fees and \$5,000 in costs. On the other hand, the Court is unpersuaded by plaintiffs' other objections and finds that defendant is entitled to the full \$30,000 (i.e., \$25,000 in fees and \$5,000 in costs) that the Court finds is the maximum amount warranted on this record.

Accordingly, plaintiffs are jointly and severally liable to defendant for \$30,000, which must be paid in 10 business days from the date of this Order.

SO ORDERED.

Dated: New York, New York  
April 23, 2008

  
JED S. RAKOFF, U.S.D.J.